

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOE ROSAS-GUERRERO [1],

Defendant.

Case No.: 3:14-cr-01959-GPC-1

**ORDER DENYING MOTION FOR
REDUCTION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

[ECF No. 56]

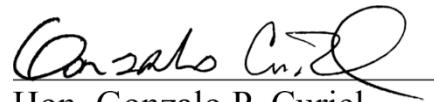
On November 13, 2014, Noe Rosas-Guerrero (“Defendant”) was sentenced to a custodial term of 30 months for a conviction of possession of marijuana on a vessel. (See ECF No. 51.) In 2014, the United States Sentencing Commission promulgated Amendment 782 (“Drugs Minus 2”), which, effective November 1, 2014, lowered the base offense levels for most drug quantities in USSG § 2D1.1(c), and made this change retroactive via Amendment 788. *See also* USSG § 1B1.10(c). Defendant was sentenced pursuant to Amendment 782 and additionally received a fast-track downward departure under USSG § 5K3.1.

On June 16, 2016, *nunc pro tunc* to August 12, 2015, Defendant filed a motion for reduction of sentence under 18 U.S.C. § 3582(c). (ECF No. 56.) On June 17, 2016, the Government filed an opposition. (ECF No. 57.) Finding that Defendant was sentenced

1 under the Guidelines effective on November 1, 2014, and therefore received a 2-level base
2 level reduction pursuant to Amendment 782, the Court **DENIES** Defendant's motion for a
3 sentence reduction under 18 U.S.C. § 3582(c)(2).

4 **IT IS SO ORDERED.**

5 Dated: June 20, 2016


6 Hon. Gonzalo P. Curiel
7 United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28